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December 18, 2017

**BY ECF**

Honorable Valerie E. Caproni  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: **United States v. Percoco, et al., 16 Cr. 776 (VEC)**

Dear Judge Caproni:

We represent Defendant Joseph Percoco in the above-referenced matter. We respectfully submit this letter on behalf of Mr. Percoco and defendants Peter Galbraith Kelly, Jr., Steven Aiello and Joseph Gerardi regarding courtroom logistics. At the December 13, 2017 conference, the Court expressed its desire to try this case in Courtroom 443. Your Honor proposed moving the government's table forward, creating space for two defense tables that would sit parallel to the jury box and accommodate two lawyers for every defendant.

In light of Your Honor's preference, the defendants have been conferring to formulate a workable plan. In the course of our discussions, we contacted our joint trial consultant at DOAR, who will be responsible for the defendants' technology at trial. Our consultant advised us that she requires a desk with enough room for a computer, a monitor, power supply and accompanying cables, as well as other devices which could take up further space in the courtroom, including a projector and a large screen for the jury. We did not raise these requirements at the December 13 conference, but we believe they should be considered in choosing a courtroom and configuring a layout as DOAR's participation will be essential to the smooth progress of the trial.

In addition to the above, we note that each defense team needs access to a paralegal and room at the table for a computer, as well as a screen to see documents entered into evidence, as the Government will have. Each defense team will also need room at the table for binders of 3500 material and exhibits. We are worried that the defendants in the front tables closest to the

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jury box will not be able to confer privately with their attorneys, due to the proximity to the jury, and we will be unable to view Your Honor during the trial.<sup>1</sup>

We are still coordinating among ourselves to find a solution that accommodates the Court's preference, though we believe it is possible a larger courtroom may be necessary. With the Court's permission, we would like to bring a DOAR representative into the courtroom before this Thursday, December 21, 2017, to evaluate and take measurements of the courtroom, and to opine on a layout that would accommodate the defendants' need for space to move about the well and confer with our clients, as well as our need for the assistance of technology to streamline what will be a document intensive trial.

Respectfully submitted,

/s/ Barry A. Bohrer

Barry A. Bohrer

Michael L. Yaeger

Andrew D. Gladstein

Abigail F. Coster

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<sup>1</sup> Additionally, counsel for Mr. Kelly has advised us that he has a back problem that limits his mobility. Given the space limitations of the current courtroom configuration, he is concerned about being able to maneuver to address the Court, the jury, and the witnesses in the anticipated courtroom configuration.